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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,894	07/06/2001	Craig S. Caldwell	30906	3616

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EXAMINER	
SAVAGE, MATTHEW O	

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,894	CALDWELL, CRAIG S.	
	Examiner	Art Unit	
	Matthew O Savage	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 36-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *36-42* is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Joseph '827.

With respect to claim 1, Joseph '827 discloses a pan 12 having a bottom surface, a sheet of filter media 50 spaced above the bottom surface and substantially spanning the pan (see FIGS. 1 and 2), the filter media having an inlet aperture extending through the filter media (e.g., the aperture receiving part 36), an inlet port 36 being sealingly connected to the inlet aperture and being operable to initially direct fluid below the filter media, and an outlet 40 located above the filter media and operable to release the return fluid, the filter media being operable to filter fluid flowing from the inlet port to the outlet port.

Concerning claim 2, Joseph discloses spacers 14 projecting upwardly from the bottom surface of the pan and operable to support the filter media above the bottom surface.

As to claim 3, Joseph discloses a lid 20 positioned above the filter media.

Regarding claim 4, Joseph discloses the outlet as being a slot 40 in the lid (see FIG. 4).

With respect to claim 5, Joseph '827 discloses a sump 46 operable to receive the fluid via a sump inlet, a return side filter 10 operable to filter a return portion (e.g., the

portion to be returned to the transmission) of the fluid, the return side filter including a pan 12 having a bottom surface, a sheet of filter media 50 spaced above the bottom surface and substantially spanning the pan (see FIGS. 1 and 2), the filter media having an inlet aperture extending through the filter media (e.g., the aperture receiving part 36), an inlet port 36 being sealingly connected t the inelt aperture and being operable to initially direct fluid below the filter media, and an outlet 40 located above the filter media and operable to release the return fluid, the filter media being operable to filter fluid flowing from the inlet port to the outlet port.

Concerning claim 6, Joseph discloses spacers 14 projecting upwardly from the bottom surface of the pan and operable to support the filter media above the bottom surface.

Concerning claim 7, Joseph discloses the return fluid as being released into the sump (e.g., after it has circulated through the transmission).

As to claim 8, Joseph discloses a lid 20 positioned above the filter media.

Regarding claim 9, Joseph discloses the outlet as being a slot 40 in the lid (see FIG. 4).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jagdmann.

With respect to claim 1, Jagdmann discloses a pan 20 having a bottom surface, a sheet of filter media 56 spaced above the bottom surface and substantially spanning the pan, the filter media having an inlet aperture extending through the filter media (e.g., the

aperture receiving part 64), an inlet port 64 being sealingly connected to the inlet aperture and being operable to initially direct fluid below the filter media, and an outlet (e.g., the area above the filter media 56) located above the filter media and operable to release the return fluid, the filter media being operable to filter fluid flowing from the inlet port to the outlet port.

Concerning claim 2, Jagdmann discloses spacers 60 projecting upwardly from the bottom surface of the pan and operable to support the filter media above the bottom surface.

As to claim 3, Joseph discloses a lid (e.g., formed by the transmission) positioned above the filter media.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Findley.

With respect to claim 1, Findley discloses a pan 10 having a bottom surface, a sheet of filter media 17 spaced above the bottom surface and substantially spanning the pan, the filter media having an inlet aperture extending through the filter media (see FIG. 1), an inlet port 37 being sealingly connected to the inlet aperture and being operable to initially direct fluid below the filter media, and an outlet 39 located above the filter media and operable to release the return fluid, the filter media being operable to filter fluid flowing from the inlet port to the outlet port.

As to claim 3, Findley discloses a lid 11 positioned above the filter media.

Claims 36-42 are allowable.

Joseph '827 is considered the closest prior art with respect to claims 36 and 39, however, the reference fails to teach or suggest the limitation of the inlet port extending vertically through the peripheral flange of the lid and being located laterally between the peripheral sidewall of the lid and the peripheral sidewall of the pan as recited in instant claims 36 and 39.

Claims 1 and 5 would be allowable if amended to include the limitations of claims 3 and 4 and to include the limitations of the lid including defining the inlet port, the inlet port including an inlet conduit an upper end adapted to be sealingly received within a return side passage of said transmission and the slots extending through the lid so as to exclude a return conduit structure and being adapted for releasing filtered return fluid directly into a sump of the transmission.

The rejections under 35 U.S.C. 102(b) and 103 in view of Joseph et al '011 have been withdrawn in view of applicant's amendments to claim 1 and 5. Specifically Joseph et al '011 fails to disclose a sheet of filter media having an inlet aperture extending therethrough and an inlet port sealingly connected to the inlet aperture as recited in claims 1 and 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Savage

Matthew O Savage
Primary Examiner
Art Unit 1723

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April 1, 2004